



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 12 1985

MEMORANDUM

SUBJECT: Obtaining Approval of Remaining Local Pretreatment Programs -- Second Round Referrals of the Municipal Pretreatment Enforcement Initiative

FROM: Courtney M. Price *Courtney M. Price*  
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and Compliance Monitoring

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TO: Regional Counsels  
Regions I-X

Water Management Directors  
Regions I-X

This memorandum announces EPA's agenda for obtaining approved pretreatment programs for POTWs which have not yet received necessary program approval. The agenda includes a plan and schedule for a second national round of enforcement cases against POTWs which have failed to obtain approved pretreatment programs, and a directive to modify permits of POTWs where still necessary to require program approval and implementation.

With referrals from Regions V and VI, the Agency recently commenced the first round of the Municipal Pretreatment Enforcement Initiative. This nationally-coordinated enforcement effort resulted in judicial enforcement actions being filed against 8 POTWs which had not met the requirement to obtain an approved pretreatment program. The Department of Justice filed these cases in federal district courts on April 18. Significant progress has already been made toward satisfactory resolution of these cases.

The first round of the Municipal Pretreatment Enforcement Initiative has assisted the Agency to achieve its pretreatment goals of having all required pretreatment programs approved or referred for judicial enforcement by September 30, 1985. As of

Case referrals to meet the FY-85 SPMS pretreatment target should be submitted to OECM by August 1, 1985. It is unlikely that an enforcement action referred after that date against a POTW for failure to obtain an approved pretreatment program will be filed in the current fiscal year. Regions which have approved all (Region X) or nearly all (Regions VII and IX) required pretreatment programs should consider enforcement actions against those POTWs not properly implementing approved programs.

Direct enforcement action in delegated States should be taken consistent with the State/EPA Enforcement Agreement with each State. Each Region should work with the delegated States to get them to address their POTWs. In those cases where the State does not act or where EPA directly administers the program, each Region should be prepared to submit a referral for each POTW which is not on track to obtain program approval by the end of FY-85, or to explain the compelling circumstances which preclude such action.

After your Region has identified those POTWs that are likely referral targets for the second wave of the Initiative, both Headquarters and the Department of Justice will again be available for consultation and assistance in preparing litigation reports and for expediting referrals and filings. (OECM will make sample litigation reports available.) For several Regions, the Office of Water Mid-Year Reviews provide an excellent opportunity to discuss possible enforcement targets for the second round.

We must demonstrate that the Agency is committed to this goal on a national basis. We realize that an effort such as this requires expedited schedules and intensive use of staff resources. However, we believe this effort is both worthwhile and necessary if we are to realize this Agency SPMS pretreatment target. We are confident that teamwork by the Regions, Headquarters and the Department of Justice will allow us to file the second round of cases during the month of September.

#### Attachments

cc: Deputy Administrator  
Regional Administrators, Regions I-X  
Deputy Regional Administrators, Regions I-X  
General Counsel  
Director, Office of Water Enforcement  
and Permits  
Associate Enforcement Counsel  
for Water  
Chief, Environmental Enforcement Section, DOJ

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**REGIONAL BREAKDOWN OF REMAINING POTWS WITH UNAPPROVED  
PRETREATMENT PROGRAMS**

**CATEGORIES**

**KEY**

- I** POTWS with 1) unapproved pretreatment programs, 2) a modified NPDES permit requiring pretreatment program submission, and 3) an EPA-issued administrative order requiring pretreatment program submission.
- II** POTWS with 1) unapproved pretreatment programs, and 2) a modified NPDES permit requiring pretreatment program submission but without an EPA-issued administrative order requiring pretreatment program submission.
- III** POTWS with 1) unapproved pretreatment programs, and 2) an EPA-issued administrative order requiring pretreatment program submission, but without a modified NPDES permit requiring pretreatment program submission.
- IV** POTWS with unapproved pretreatment programs which do not have 1) a modified NPDES permit requiring pretreatment program submission, and 2) an EPA-issued administrative order requiring pretreatment program submission.

**PROGRAM  
STATUS CODE**

- N** Pretreatment program submission has been reviewed and is not approvable in its present form because portions of the program are incomplete or not submitted.
- S** Pretreatment program has been submitted, but further review is required to determine whether the submittal is complete and approvable for public notice.
- R** Complete pretreatment program submission has been reviewed and found acceptable for public notice.
- P** Pretreatment program is on public notice.

REGIONAL SUMMARY OF POTWS WITH UNAPPROVED PRETREATMENT PROGRAMS  
MAY 7, 1985

CATEGORY o PROGRAM STATUS CODES	REGION										TOTALS
	I	II	III	IV	V	VI	VII	VIII	IX	X	
CATEGORY I	17	5	4	2	32	19	0	14	1	0	94
o N	8	4	4	0	23	12	0	0	0	0	51
o S	6	0	0	2	2	0	0	14	1	0	25
o R	0	1	0	0	3	3	0	0	0	0	7
o P	3	0	0	0	4	4	0	0	0	0	11
CATEGORY II	4	16	13	21	57	2	1	10	2	0	126
o N	3	11	8	12	19	1	0	0	0	0	54
o S	1	0	0	1	8	1	1	10	2	0	24
o R	0	0	0	0	2	0	0	0	0	0	2
o P	0	5	5	8	28	0	0	0	0	0	46
CATEGORY III	2	5	28	0	1	0	0	0	0	0	36
o N	2	5	26	0	0	0	0	0	0	0	33
o S	0	0	0	0	1	0	0	0	0	0	
o R	0	0	0	0	0	0	0	0	0	0	
o P	0	0	2	0	0	0	0	0	0	0	2
CATEGORY IV	7	2	15	7	35	0	1	3	2	0	72
o N	3	2	14	6	27	0	0	2	2	0	56
o S	3	0	0	1	1	0	1	1	0	0	7
o R	0	0	0	0	1	0	0	0	0	0	1
o P	1	0	1	0	6	0	0	0	0	0	8
CATEGORY UNKNOWN	0	0	3	0	122	0	0	8	0	0	133
o N	0	0	0	0	51	0	0	0	0	0	51
o S	0	0	0	0	8	0	0	0	0	0	8
o R	0	0	0	0	14	0	0	0	0	0	14
o P	0	0	3	0	49	0	0	8	0	0	60
TOTALS	30	28	63	30	247	21	2	35	5	0	461
o N	16	22	52	18	120	13	0	2	2	0	245
o S	10	0	0	4	20	1	2	25	3	0	65
o R	0	1	0	0	20	3	0	0	0	0	24
o P	4	5	11	8	87	4	0	8	0	0	1

## AGENDA

### Municipal Pretreatment Enforcement Initiative

#### Second Wave

Regions to submit completed  
"Pretreatment Program Approval  
Status" forms to HQ/OWEP  
for Category I and II POTWs

June 28

Regions to submit referrals  
to HQ against POTWs for  
failure-to-submit and/or  
failure-to-implement  
pretreatment programs

August 1

HQ/OECM to refer POTW  
enforcement actions to DOJ  
against non-complying POTWs

August 16

DOJ to file judicial  
enforcement actions  
against non-complying POTWs

September 16

Regions to have approved  
all POTW pretreatment  
programs or have referred  
all non-complying POTWs

September 30

# PRETREATMENT PROGRAM APPROVAL STATUS

REGION \_\_\_\_\_

REGIONAL CONTACT \_\_\_\_\_

DATE FORM COMPLETED \_\_\_\_\_

FTS NUMBER \_\_\_\_\_

POTW NAME	DEFICIENT PROGRAM ELEMENTS* (check, describe below)						REFERRAL CANDIDATE AT THIS TIME	IF NOT REFERRING, DESCRIBE REASONS INCLUDE SCHEDULED SUBMITTAL DATE, APPROVAL DATE
	1	2	3	4	5	6		
							YES _____  NO _____	
							YES _____  NO _____	
							YES _____  NO _____	
							YES _____  NO _____	

**\*KEY:**

- 1 = INDUSTRIAL WASTE SURVEY
- 2 = LEGAL AUTHORITY
- 3 = TECHNICAL ELEMENTS/LOCAL LIMITS
- 4 = COMPLIANCE MONITORING
- 5 = PROCEDURES
- 6 = RESOURCES